REMARKS

The present application was filed on January 2, 2002 with claims 1 through 35. Claims 1 through 35 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-2, 17-18, 20-23, and 28-30 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner also rejected claims 1-35 under 35 U.S.C. §102(b) as being anticipated by Laffra et al. (United States Patent Number 5,832,270).

Section 101 Rejections

Claims 1-2, 17-18, 20-23, and 28-30 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserts that the claims fail to technologically embody the invention in a tangible medium (i.e., a computer readable medium), and consequently fail to produce a tangible or useful result. In addition, the Examiner asserts that the cited claims are only directed to abstract ideas (i.e., details associated with a program task) and therefore do not contain an "article" to be reduced "to a different state or thing." The Examiner further asserts that the cited claims recite only the gathering and manipulation of abstract ideas and consequently recite no more than a mathematical algorithm.

Applicants note that the collection or trace of details for analysis is more than a data gathering method. The trace of details is not simply a listing of the original program code; it is a summary of the execution of such code and therefore constitutes a transformation of the original code. As such, it meets the standard for the transformation of subject matter "to a different state or thing" as stated in In re Warmerdam.

Thus, as expressly set forth in each of the amended independent claims, the claimed methods or system collect or trace details associated with a program task, and provide the collected or traced details for analysis. This transformation to a collection or trace of details for analysis provides a useful, concrete and tangible result.

Applicants submit that each of the claims 1-35 are in full compliance with 35 U.S.C. §101, and accordingly, respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

Independent Claims 1, 24 and 32-35

Independent claims 1, 24, and 32-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Laffra et al. Regarding claim 1, the Examiner asserts that Laffra discloses collecting details associated with a program task associated with said software system (col. 1, lines 61-63) based on a specification associated with said program task (col. 5, lines 43-48; "This specification is done using the visualization script rules"), wherein said specification contains one or more conditions to initiate a trace of said program task (col. 6, lines 12-15; "If the hook notifies creation or deletion of an instance, the visualization script 285 will be used to generate or remove a visual representation of the instance").

Applicants note that, regarding the visualization script cited by the Examiner, Laffra teaches that

> the script 285 will tell the monitoring function (FIG. 3) *how to interpret the information which is generated by the hooks 260 and 270.* The visualization script interpretation process is described in FIG. 4.
> (Col. 5, lines 39-42; emphasis added.)

Laffra also teaches that

> the monitoring function receives *information generated by hooks 260 and 270, when they are executed at runtime. The information that is gathered by the monitoring function is then visualized on a graphics display, guided by the set of rules 288, to be found in the visualization script 285.* Each time a particular hook is executed, the monitoring function 300 will inspect the current display and the script. The monitoring function 300 then modifies the display depending on the hook and the visualization script.
> (Col. 5, line 65, to col. 6, line 7; emphasis added.)

Laffra does not disclose or suggest that the hooks 260 and 270 are *conditional instructions*, and thus a person of ordinary skill in the art would recognize that hooks 260 and 270 are executed whenever they are encountered. Laffra also does not disclose or suggest that the script 285 determines or controls *when information is generated by the hooks 260 and 270*, and does not disclose or suggest that the script 185 determines or controls *what information is generated by the hooks 260 and 270.* Laffra therefore does not disclose or suggest utilizing one or more conditions to *initiate a trace*

of a program task. Independent claims 1, 24, and 32-35 require collecting details associated with a program task associated with said software system based on a specification associated with said program task, wherein said specification contains one or more conditions to *initiate a trace* of said program task or monitoring said software system to identify said program task based on a specification associated with said program task, wherein said specification contains one or more conditions to *initiate a trace* of said program task.

Thus, Laffra does not disclose or suggest collecting details associated with a program task associated with said software system based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task, as required by independent claims 1, 32, and 34, and does not disclose or suggest monitoring said software system to identify said program task based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task, as required by independent claims 24, 33, and 35.

Dependent Claims 2-23 and 25-31

Dependent 2-23 and 25-31 were rejected under 35 U.S.C. §102(b) as being anticipated by Laffra et al.

Claims 2-23 and 25-31 are dependent on claims 1 and 24, respectively, and are therefore patentably distinguished over Laffra et al. because of their dependency from independent claims 1 and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-35, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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